

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GARY HANLEY on behalf of himself and)	
others similarly situated,)	1:12-cv-4158
Plaintiff,)	
)	Judge Castillo
v.)	Magistrate Judge Nolan
)	
GREEN TREE SERVICING, LLC,)	JURY DEMANDED
Defendant.)	
)	

PARTIES' JOINT INITIAL STATUS REPORT

A. Nature of the Case

- Bases for jurisdiction, nature of the claims and counterclaims.

This class action complains of allegedly improper automated collection telephone calls to cellular telephones pursuant to the federal Telephone Consumer Protection Act, 47 U.S.C. § 227. There is federal question jurisdiction. *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740 (2010).

- Relief sought by plaintiff, including computation of claimed damages, if available.

Plaintiff seeks damages of \$500 per call, and up to \$1,500 per call if proven to be willful, for himself and the class, plus an injunction preventing defendant from future violations, pursuant to 47 U.S.C. § 227(b)(3).

- Names of any parties that have not been served.

All parties have been served.

- Major legal issues.

Whether there was consent to the calls in question.

- Major factual issues.

Whether defendant used an "automatic telephone dialing system" or "artificial or prerecorded voice," as those terms are used in the TCPA and FCC regulations and final orders, to call cellular telephones.

- Citations to key authorities which will assist the Court in understanding and ruling on the issues.

The Telephone Consumer Protection Act of 1991, 47 USC § 227(b)(1)(A), In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, GC 02-278, 23 FCC Rcd., 559, also available at 2008 WL 65485 (Jan 4. 2008).

B. Preparation of Draft Scheduling Order

- Fed.R.Civ.P. 26(a)(1) initial disclosures: July 30, 2012.

- Close of Fact Discovery: March 30, 2013.

- Expert Witnesses:

Disclosure of report for of party with the burden of proof: April 30, 2013

Disclosure of Response report(s): May 31, 2013.

C. Trial Status

- **Whether or not a jury has been requested.** A jury trial has been requested by plaintiff.

- **Probable length of the trial.** Four days.

D. Consent to Proceed Before a Magistrate Judge

The parties do not unanimously consent to the jurisdiction of a magistrate judge.

E. Settlement Status

Plaintiff commits to making a class settlement demand, once defendant provides two items of information: (1) the number of calls members, and (2) the number of calls to each.

/s/Alexander H. Burke

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